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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	)	
	)	
Jonnie R. WILLIAMS	)	
	)	
U.S. Patent 6,202,649	)	Group Art Unit: 1731
(Serial No. 09/397,018	)	
filed September 15, 1999)	)	Examiner: M. Colaianni
	)	
For: METHOD OF TREATING TOBACCO TO REDUCE NITROSAMINE CONTENT, AND PRODUCTS PRODUCED THEREBY	)	Atty. Dkt. No.: 004859.84703

LETTER

Honorable Assistant Commissioner for Patents
Washington, DC 20231

Sir:

We request that this letter be added to the official prosecution file of the subject patent. The specification of the patent states that the preferred minimum flow of air is about 70 CFM at 1" static pressure per cubic foot of curing apparatus or barn volume (see, e.g., column 11, lines 50-52). It has been discovered that references in the patent to 70 and 80 CFM in the context of minimum airflow resulted from an inadvertence and, consequently, do not represent the actual preferred minimum flow of air for the practice of the invention.

The patent states that "[t]he container may be constructed to any suitable size typical of tobacco barns" and provides the following exemplary dimensions: "a width of about 120 inches, a depth of 60 inches, and a height of 82 inches." (column 16, lines 39-44). These dimensions provide approximately 342 cubic feet of volume (10 ft. x 5 ft. x 6.83 ft.). A Powell brochure has been identified with these identical dimensions. However, the dimensions in that brochure describe the furnace size rather than the barn or container size. It appears that the dimensions

referenced for the "container" (column 16, lines 39-44) inadvertently used the dimensions of the furnace instead of the dimensions for the barn.

In one example illustrating the advantages of the invention, an airflow of approximately 25,000 CFM was used (column 19, lines 51-65). If the 342 cubic foot furnace is inadvertently used to calculate the airflow through the curing apparatus, the resulting calculation is:

25,000 CFM / 342 cubic feet of volume = about 70 CFM per cubic foot of volume

The patent provides ample guidance elsewhere for determining the minimum flow of air for substantially preventing the formation of at least one nitrosamine (TSNA). For example, at column 11, lines 43-45, the specification states

> Although the airflow through the barn may vary on a case-by-case basis and may be dependent on the arrangement of the tobacco leaves to be treated (i.e., the degree of tobacco leaf surface exposure) and the size of the curing apparatus or barn, the minimum flow of air is preferably about ten percent higher than the flow of flue gas commonly used in the prior art. As discussed above, however, it is within the scope of the present invention to provide relatively low airflow, provided that other parameters (e.g., humidity, temperature, etc.) are selected so that the prevention or reduction of at least one TSNA is achieved.

The specification further states "[t]he specific minimum flow of air needed for a given set of conditions may be determined on a routine basis given the disclosure of the present invention." (column 11, lines 54-56). In addition, an example of carrying out the invention in a curing barn is provided at column 19, lines 51-65 (Example 7, describing treatment in curing barn with airflow of about 25,000 CFM).

Finally, the following two printing errors were made by the U.S. Patent and Trademark Office during the printing of the patent:

(1) " . . . to provide a temperature of about [1050 F] **105° F**." (column 19, lines 54-55).

(2) ". . . increasing the temperature to about [16° F] **160° F**." (column 19, lines 64-65).

Respectfully submitted,

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